

REMARKS:

This paper is herewith filed in response to the Examiner's final Office Action mailed on November 23, 2010 for the above-captioned U.S. Patent Application. The above office action is a rejection of claims 1-5, 7-10, 12-22, 24-28, and 30 of the application.

More specifically, the Examiner has rejected claims 1-2, 8-9, 12, 15-18, 22, and 24-25 under 35 USC 103(a) as being unpatentable over Dorenbosch (US20040203793) in view of Kuita (US20030139171); rejected claims 3, 13, and 26 under 35 USC 103(a) as being unpatentable over Dorenbosch in view of Kuita and further in view of Crockett (US20030153343); and rejected claims 4-5, 10, 19-20, and 27-28 under 35 USC 103(a) as being unpatentable over Dorenbosch in view of Kuita and further in view of Davidson (US6,577,862). The Applicants disagree with the rejections.

Further, the Examiner has indicated that claims 7, 21, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations in the base claim and any intervening claims.

Claims 1, 8, 12, 15, 17-20, 22, 24, and 28 have been amended. Support for the amendments can be found at least in Figure 1b and on page 5, line 31 to page 6, line 10 and page 7, lines 3-6. No new matter is added.

I. Objection to Claim 24

It is noted that, as suggested by the Examiner on page 2 of the Office Action, claim 24 has been amended to recite in part "A computer readable memory encoded with a computer program executable by a processor to perform actions comprising." The objection to claim 24 is seen to be overcome and the Examiner is requested to remove the objection.

II. Rejection of independent claims 1, 8, 12, 15, 22, and 24

In the Advisory Action dated February 15, 2011 the Examiner states:

“The argument that Dorenbosch does not disclose sending the idle frames from a core network, and the written description distinguishes the core network from the base stations, and Dorenbosch discloses that the idle frames are transmitted by base station transceiver subsystems, is not persuasive,” and

“A person of ordinary skill in the art at the [t]ime of the invention would consider a base station as part of a core network that is between user terminals, which can be considered network endpoints. The claims do not contain limitations clearly claiming the aspect of the written description that a core network does not include a base station”, (page 2 of the Advisory Action).

Although it is still not admitted that Dorenbosch discloses sending idle frames from a core network, in order to facilitate the prosecution of this patent application towards allowance each of the independent claims 1, 8, 12, 15, 22, and 24 have been amended in a somewhat similar fashion. For example, claim 1 now recites in part that:

“controlling a flow of data packets by at least one of a server function in a core network and a server in the core network, wherein the core network does not include a base station; and keeping up the dedicated channel after a last speech sample packet is sent downlink from the core network by sending post-speech packets for a time of such duration that a new uplink can be established utilizing at least one downlink from the core network, wherein the at least one of the server function and the server in the core network transmits the post-speech packets to the plurality of downlinks responsive to a packet indicating an end of speech samples from the uplink, wherein at least one post-speech packet includes information intended for a user of at least one receiving terminal, and wherein post-speech packets are also sent to a terminal that used the uplink”

Therefore, in view of the Examiner’s arguments as stated above, claim 1 has been amended to include the limitation that “the core network does not include a base station.” Support for the amendments can be found at least in Figure 1b and on page 5, line 31 to page 6, line 10 and page 7, lines 3-6. It is clear that Dorenbosch does not disclose or suggest amended claim 1.

III. Arguments not Addressed in The Advisory Action

A. Dorenbosch Does Not Disclose Transmitting Post-Speech Packets to a Plurality of Downlinks

As similarly argued in the Response to Final Office Action mailed on January 21, 2011, but not addressed in the Advisory Action, Dorenbosch does not disclose or suggest at least where claim 1 recites in part “at least one of the server function and the server in the core network transmits the post-speech packets to the plurality of downlinks responsive to a packet indicating an end of speech samples from the uplink.”

According to Dorenbosch “During the time when the user is not depressing the push-to-talk button, the base station transceiver subsystems send idle frames to preserve the link power control,” (emphasis added), (paragraph [0023]). Here, a base station transceiver subsystem of Dorenbosch is seen to be sending the idle frames to one terminal to preserve only the link over which the mobile sent the PTT_off indication. Dorenbosch does not disclose that that the base station transceiver subsystem is sending the idle frames to a plurality of links responsive to a packet indicating an end of speech samples during the time that a user of a remote unit of only one of the plurality of links is not depressing the push-to-talk, as asserted in the final Office Action.

B. Neither Dorenbosch nor Kuita Teach Sending From A Base Station Post-Speech Packets which Include Information Intended For a User of a Receiving Terminal

In the Advisory Action, regarding Kuita, the Examiner states:

“The argument that substantive data such as the Kuita subscriber concerning the subscriber would need to be transmitted on a higher layer (e.g., a data layer) than the Dorenbosch idle frames for preserving power control which would be sent on a lower layer (e.g., a physical layer), is not persuasive. Methods utilized on one protocol layer does not exclude their utilization on other layers, such as error

control methods or error correction methods, which can be utilized on any layer or more than one layer at the same time, and where such utilization is restricted and influenced in design by processing time and resource consumption, not by the layers themselves,” (page 2 of the Advisory Action).

Although the Applicants disagree with the Examiner, it is noted that the Examiner has not addressed the arguments in the Response to final Office Action regarding that the proposed combination of Dorenbosch and Kuita is improper.

In the final Office Action the Examiner states that “Dorenbosch fails to teach a post-speech packet includes information intended for a user of a receiving terminal,” (page 4 of the final Office Action). The Examiner then proposes a combination with Kuita, in order to overcome this admitted shortfall, citing where Kuita discloses that a bearer’s directory number and mail address are transmitted to another party during a pause period.

In the Advisory Action the Examiner appears to take the stance that the base station of Dorenbosch would somehow know the personal data that Kuita sends. At least referring to Figure 3 of Kuita this is not plausible. Neither Kuita nor Dorenbosch disclose that a base station would know directory numbers and email addresses of an end terminal in order to somehow include the information in post speech packets. In Kuita the personal data, as in Figure 3, is not transferred from a base station, but rather the personal data is transferred from one personal communication device to another personal communication device (see paragraph [0049]). There is nothing in either reference which teaches personal data sent from a base station. For this reason alone it is clear that the Examiner has failed to show how a person of ordinary skill in the art would be motivated to combine these references in order to overcome the admitted shortfall of Dorenbosch, as stated above. The proposed combination would merely have the base station performing as in Dorenbosch and the personal communication devices performing as in Kuita. Therefore, even if Dorenbosch and Kuita were somehow combined, which is not agreed to as suggested, the proposed combination would still not disclose or suggest claim 1.

For at least the reasons stated above the rejection of claim 1 should be removed and claim 1

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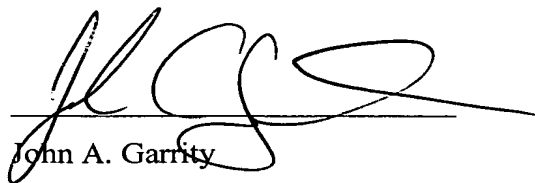
should be allowed.

In addition, for similar reasons, the foregoing amendments to the independent claims 8, 12, 15, 22, and 24 also place these claims in condition for allowance in view of the references cited. Therefore, the rejection of these claims should be removed and claims 8, 12, 15, 22, and 24 should be allowed.

Further, it is respectfully submitted that all dependent claims 2-5 and 7, claims 9-10, claims 13-14, claims 16-21, and claims 25-28 and 30 are allowable due to their dependence on allowable independent claims 1, 8, 12, 15, and 24, respectively.

Based on the above explanations and arguments, it is clear that the references cited cannot be seen to disclose or suggest claims 1-5, 7-10, 12-22, 24-28, and 30. The Examiner is respectfully requested to reconsider and remove the rejections of claims 1-5, 7-10, 12-22, 24-28, and 30 and to allow all of the pending claims 1-5, 7-10, 12-22, 24-28, and 30 as now presented for examination. Should any unresolved issue remain, the Examiner is invited to call Applicants' representative at the telephone number indicated below.

Respectfully submitted:


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